

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:

Patrick Simmons

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

Full name(s) of Plaintiff(s)

v.

CIVIL ACTION
NO. _____

Pennsylvania State Police
trap & Philadelphia

Full name(s) of Defendant(s)

This action is brought for discrimination in employment pursuant to (check only those that apply):

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

☒ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Patrick Simmons
 Street Address: 1924 Midfield Rd.
 County, City: Feasterville - Trevose
 State & Zip: 19053 Pennsylvania
 Telephone Number: 267-229-8399

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: Pennsylvania State Police
 Street Address: 2201 Belmont Ave.
 County, City: Phila, Phila
 State & Zip: Pennsylvania 19131
 Telephone Number: 215-452-5296

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: Pennsylvania State Police
 Street Address: 2201 Belmont Ave.
 County, City: Phila, Phila
 State & Zip: Pennsylvania 19131
 Telephone Number: 215-452-5296

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

☐ Failure to hire me
☒ Termination of my employment
☐ Failure to promote me

- ☐ Failure to reasonably accommodate my disability
☒ Failure to reasonably accommodate my religion
☐ Failure to stop harassment
☐ Unequal terms and conditions of my employment
☐ Retaliation
☐ Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) December, (day) _____, (year) 2019.

C. I believe that the defendant(s) (check one):

- ☐ is still committing these acts against me.
☒ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☐ race _____ ☐ color _____
☐ religion _____ ☐ gender/sex _____
☐ national origin _____
☐ age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

Comments staff retaliated against me for going out on workerscomp. they make comments to other employees. they were pissed because they allowed me to go to physical therapy and I still went out on disability. after I left they offered Brian Hage my position the following week. He comes it because the union told him it was illegal for him to accept.

Sgt. Kent Kaylor also made comments that if he has to work 8 hours a day then I have to work 8 hours a day and not out having fun at physical therapy.

Command Staff learned in June that I was trying to shoot for a September return. Sgt. Kent Kaylor then launched an investigation into Brian Hague and pulled me into it even though I was out for almost 7 months. He then told all the Troopers to write up witness statements with all the problems and issues they had with me. He received over 50 + Trooper Witness statements that proved the exact opposite of what he was attempting to claim.

I was arrested in August for an altercation outside of work. Corporal Shern from Crime went to Philadelphia P.D and told them he wanted my arrest file and the video of the altercation. Crime then showed the video and told everyone at Troop K Philadelphia what happened. A blatant abuse of power. Command Staff got ahold of the information and went around my job site and Slandered my name to my fellow employees and also to our Vendors. I was not afforded my Constitutional right, I am innocent until proven otherwise.

In November just before my Pre trial court date, Captain Jamie Kemm called Trooper Revak into his office and told him he was going to be the Vehicle maintenance officer. The day after the felony charges were dropped, Captain Jamie Kemm made Trooper Shehu the Vehicle maintenance officer. Trooper Revak went into his office and said, You just sent me and all Supervisors an email, stating effective tomorrow Trooper Revak will be the Vehicle Maintenance officer. Captain Jamie Kemm replied, He changed his mind and went with Trooper Shehu.

I also have a witness statement from one of our vendors that a Trooper told him the second I walked through the door they were going to fire me.

Upon my return multiple Troopers came up to me and told me to watch my back and to watch Trooper Shehu because they had plans on setting me up for confrontation. Trooper Shehu then picked an argument with me a few days before my Misdemeanor trial, in an attempt to put on the record that I was "Mentally unstable and he was in fear I might do something to the Police Vehicles". This is 100% Slander. Trooper Shehu then lied on a Commonwealth witness statement on what exactly happened during his verbal confrontation. Trooper Shehu got caught because he didn't know I got Trooper Harvey's witness statement that backed up my claim, that Trooper Shehu started it and when I walked away Trooper Shehu came after me. Trooper Harvey stepped in front of him and told him to leave.

Multiple Staff employees were starting arguments with me in attempts to force me to lash out so they could prove I was mentally unstable. Their attempts failed miserably.

I believe Captain Kemm chose Trooper Shehu because they had Trooper Shehu keep track of me every day, writing down false statements to make it appear that I was mentally

unstable and that was their way to get Human Resources to fire me instead of them.

Corporal Denea Durham brought me, an employee/civilian into the interrogation room with no lawyer and no union representation. She began to scream and curse at me at the top of her lungs. I was in fear she might hit me, so I walked away. She then came after me and once I turned down the hallway she grabbed me from behind and out of fear, I yelled, who are you grabbing you fucking cunt, Bitch? She was dead in my face. I then walked away to the garage and she again came over to the garage to do harm but realized another civilian was present. I was asked to leave and return tomorrow by the Sgt. He said he didn't want to have another confrontation with her.

Corporal Durham had her subordinates write up false witness statements about the events. 1 Corporal recanted his story, another Corporal tried to lie about who existed first, second and third. The other Troopers attempted to make the distance between her and I greater than it really was. Upon the Internal Affairs investigation she admitted she was within arms reach of me and she followed me into the hallway. She made multiple slander statements and multiple lies during her interview that can be disproven with emails. She also said, She contacted Labor relations just days prior to this event. further proving the day in question was premeditated and was a setup (entrapment). She also followed ZERO guidelines on her Slander statements that I am mentally unstable and she was in fear of me.

The State Police, Command Staff, conspired and premeditated my firing since the moment I left for Workers Comp. They had Intent and Malice. They also attempted to Entrap me into situations that No other employee should ever have to go through.

Command Staff slandered my name and did not allow me to prove my innocence and prove, I was falsely accused of a crime. My record has since been expunged and further proves Command Staff made false statements about me in attempts to get the whole station against me and help them set me up, to fire me.

This is beyond a hostile and toxic work environment. This type of hostility proves they were discriminating against me because I went out on workers comp and attempted to fire me which blew up in their faces.

NOTE: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: March 2020, _____ (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue Letter.
☒ issued a Notice of Right to Sue Letter, which I received on Jan 9, 2020. (Date).

NOTE: *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have passed.
☐ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: _____ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

☐ One year or more has passed.
☐ Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as *(check only those that apply)*:

- ☐ Direct the defendant to hire the plaintiff.
- ☐ Direct the defendant to re-employ the plaintiff.
- ☐ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☐ Direct the defendant to *(specify)*: _____
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☐ Other *(specify)*: _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 17 day of March, 2021

Signature of Plaintiff

Address

Telephone number

Fax number (if you have one)

[Signature]
1924 Midfield Rd.
Peasleeville PA 14053.
267-289-8599.



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FROM:

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1944 MIDFIELD RD.
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Phila PA 19106-1732